

EXHIBIT D

CITY OF CLAYTON)
) SS.
STATE OF MISSOURI)

AFFIDAVIT OF ROBERT G. KALEY II, Ph.D.

Affiant, Robert G. Kaley II, Ph.D., being duly sworn, states:

1. I am more than eighteen (18) years of age; I am not disqualified for any reason in making his affidavit; I have personal knowledge of the facts set forth herein, and I know such facts to be true and correct.

2. The Monsanto Company that exists today was incorporated on February 9, 2000. It is primarily engaged in the agricultural chemicals and biotechnology businesses, and the company has never manufactured, distributed, or sold pentachlorophenol. The *original* Monsanto Company, incorporated in 1933 (hereinafter "Old Monsanto"), did manufacture and sell pentachlorophenol. That company is known today as Pharmacia Corporation.

3. I was employed by Old Monsanto from 1973 to 1997; during my employment I was involved with various issues related to pentachlorophenol. I currently serve as a consultant to Pharmacia Corporation and Solutia Inc.

4. At my direction, a search of Old Monsanto's sales records was conducted covering the period such records are available, which is 1970 through the time Old Monsanto stopped making pentachlorophenol, in 1978. Based upon this search, Old Monsanto did not sell pentachlorophenol to Koppers Inc.'s Stickney Plant in Cook County, Illinois, or to the Atchison, Topeka and Santa Fe Railway Company in Cook County, Illinois, from 1970 to the present.

Affiant further sayeth not.

Robert G. Kaley II, Ph.D.
Robert G. Kaley II, Ph.D.

STATE OF MISSOURI)
) SS.
CITY OF ST. LOUIS)

On this 2 day of June, 2008, before me appeared Robert G. Kaley II, to me personally known, who being by me duly sworn, did state that he is authorized to make this affidavit, and that the statements made herein are true to the best of his knowledge, information and belief.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix my official seal in the City and State aforesaid, the date and year written above.

Neely E. Miller
Notary Public

(SEAL)

My Commission Expires:

